

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DOUGLAS EL, :
Plaintiff, : **Civil Action No.: 02CV3591**
v. :
SOUTHEASTERN PENNSYLVANIA :
TRANSPORTATION AUTHORITY, :
Defendant and :
Third Party Plaintiff, :
vs. :
King Paratransit Service, Inc., et al. :
: Third Party Defendants.

**AFFIDAVIT IN SUPPORT OF THIRD PARTY DEFENDANT
KRAPFS', CPS, INC. MOTION FOR SUMMARY JUDGMENT**

State of New York
}SS
County of Nassau

Richard M. Howard, being duly sworn does hereby depose and say:

1. I am a member of the firm of Kaufman, Schneider & Bianco, L.L.P., Attorneys for Third Party Defendant, Krapfs, CPS, Inc. I make this affidavit to attach the pleadings in this action for the Court's convenience.

2. Attached hereto as Exhibit "A" is a copy of the Third Party Complaint, attached to which is a copy of the First Amended Class Action Complaint and the Defendant's (and Third Party Plaintiff's) Answer thereto.

3. Attached hereto as Exhibit "B" is a copy of the Third Party Defendant's Answer.

WHEREFORE, it is respectfully requested that, based upon the supporting papers (particularly the moving Memorandum of Law) the Complaint be

dismissed in its entirety, with prejudice, and that the Defendants be awarded such other and further relief as this Court deems just and proper.

By _____
Richard M. Howard (RMH - 2932)

Sworn to before me this
25th Day of August, 2003

NOTARY PUBLIC

RICH/KRAPFS/AFF